

FISCAL NOTE

SB 24

January 22, 2007

SUMMARY OF BILL: Requires a minimum Range II sentence for a person illegally in the United States who is convicted of a drug offense or violent offense.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$2,263,300 / Incarceration*

Assumptions:

- According to the Department of Correction (DOC), currently there are 19,150 inmates housed in state facilities and of that total, approximately 160 (0.8355 percent) are illegal aliens.
- Under current law, the presumptive sentence for a person convicted of a drug offense or violent offense is a Range I sentence. When increasing the sentence from a minimum Range I to minimum Range II, the felony classes are affected as follows: Class A increases from 20 years to 32.5 years; Class B sentenced at 100% increases from 8 years to 12 years; Class B sentenced at 30% increases from 2.4 years to 4.2 years; Class C increases from 0.9 years to 2.1 years; Class D felony increases from 0.6 years to 1.4 years; and a Class E felony increases from 0.3 years to 0.7 years.
- According to the DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- Two offenders will serve an additional 12.5 years for a Class A felony offense sentenced at 100% (an increase from 20 years to 32.5 years). The cost per inmate at 20 years is \$439,468.80 (\$60.16 x 7,305 days). The cost per inmate at 32.5 years is \$714,136.80 (\$60.16 x 11,870.625 days). The cost per inmate in the tenth year, as required by § 9-4-210, is \$219,734.40 (\$60.16 x 3,652.50). The total additional operating cost for two offenders in the tenth year is \$439,468.80 (\$219,734.4 x 2).
- Seven offenders will serve an additional four years for a Class B felony offense sentenced at 100% (an increase from 8 years to 12 years). The cost per inmate at 8 years is \$175,787.52 (\$60.16 x 2,922 days). The cost per inmate at 12 years is \$263,681.28 (\$60.16 x 4,383 days). The additional cost from increasing the average sentence length from 8 years to 12 years is \$87,893.76 (\$263,681.28 - \$175,787.52). The total additional operating cost for seven offenders per year is \$615,256.32 (\$87,893.76 x 7).
- Seventeen offenders will serve an additional 1.8 years for a Class B felony offense sentenced at 30% (an increase from 2.4 years to 4.2 years). The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.60 days). The cost per inmate at 4.2 years is \$92,288.45 (\$60.16 x 1,534.05 days). The

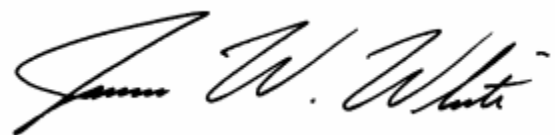
additional cost from increasing the average sentence length from 2.4 years to 4.2 years is \$ 39,552.19 (\$92,288.45 - \$52,736.26). The total additional operating cost for 17 offenders per year is \$672,387.23 (\$ 39,552.19 x 17).

- Eighteen offenders will serve an additional 1.2 years for a Class C felony offense (an increase from 0.9 years to 2.1 years). The cost per inmate at 0.9 years is \$19,776.10 (\$60.16 x 328.725 days). The cost per inmate at 2.1 years is \$46,144.23 (\$60.16 x 767.025 days). The additional cost from increasing the average sentence length from 0.9 years to 2.1 years is \$26,368.13 (\$46,144.23 - \$19,776.10). The total additional operating cost for 18 offenders per year is \$474,626.34 (\$26,368.13 x 18).
- One offender will serve an additional 0.8 years for a Class D felony offense (an increase from 0.6 years to 1.4 years). The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The cost per inmate at 1.4 years is \$30,762.82 (\$60.16 x 511.35 days). The additional cost from increasing the average sentence length from 0.6 years to 1.4 years is \$17,578.76 (\$30,762.82 - \$13,184.06).
- Five offenders will serve an additional 0.4 years for a Class E felony offense (an increase from 0.3 years to 0.7 years). The cost per inmate at 0.3 years is \$6,592.03 (\$60.16 x 109.575 days). The cost per inmate at 0.7 years is \$15,381.41 (\$60.16 x 255.675 days). The additional cost from increasing the average sentence length from 0.3 years to 0.7 years is \$8,789.38 (\$15,381.41 - \$6,592.03). The total additional operating cost for five offenders per year is \$43,946.90 (\$8,789.38 x 5).
- The bill's reference to "chapter 17, part 5" in definition of "drug offense" is a typographical error that should reference Title 39, Chapter 17, Part 4.
- Enhanced sentencing of undocumented aliens is upheld as constitutional.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director